

Amendments to the Drawings:

The attached fifty-seven (57) replacement sheets of drawings correct minor informalities and generally conform to USPTO drawing guidelines for Figs. 1, 2, 3, 4, 5, 6A to 6F, 7A to 7C, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18A to 18F, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56A, 56B, 57A and 57B. The attached sheets of drawings also include changes to Figs. 15, 16, and 51 that are described more completely below.

Sheet one, which includes Fig. 1, replaces the original sheet one including Fig. 1.

Sheet two, which includes Fig. 2 replaces the original sheet two including Figs. 2.

Sheet three, which includes Fig. 3, replaces the original sheet three including Fig. 3.

Sheet four, which includes Fig. 4, replaces the original sheet four including Fig. 4.

Sheet five, which includes Fig. 5, replaces the original sheet five including Fig. 5.

Sheet six, which includes Figs. 6A, 6B, 6C, 6D, 6E, and 6F, replaces the original sheet six including Figs. 6A, 6B, 6C, 6D, 6E, and 6F.

Sheet seven, which includes Figs. 7A, 7B and 7C, replaces the original sheet seven including Figs. 7A, 7B and 7C.

Sheet eight, which includes Fig. 8, replaces the original sheet eight including Fig. 8.

Sheet nine, which includes Fig. 9, replaces the original sheet nine including Fig. 9.

Sheet ten, which includes Fig. 10, replaces the original sheet ten including Fig. 10.

Sheet eleven, which includes Fig. 11, replaces the original sheet eleven including Fig. 11.

Sheet twelve, which includes Fig. 12, replaces the original sheet twelve including Fig. 12.

Sheet thirteen, which includes Fig. 13, replaces the original sheet thirteen including Fig. 13.

Sheet fourteen, which includes Fig. 14, replaces the original sheet fourteen including Fig. 14.

Sheet fifteen, which includes Fig. 15, replaces the original sheet fifteen including Fig. 15.

Sheet sixteen, which includes Fig. 16, replaces the original sheet sixteen including Fig. 16.

Sheet seventeen, which includes Fig. 17, replaces the original sheet seventeen including Fig. 17.

Sheet eighteen, which includes Figs. 18A, 18B, 18C, 18D, 18E, and 18F, replaces the original sheet eighteen including Figs. 18A, 18B, 18C, 18D, 18E, and 18F.

Sheet nineteen, which includes Fig. 19, replaces the original sheet nineteen including Fig. 19.

Sheet twenty, which includes Fig. 20, replaces the original sheet twenty including Fig. 20.

Sheet twenty-one, which includes Fig. 21, replaces the original sheet twenty-one including Fig. 21.

Sheet twenty-two, which includes Fig. 22, replaces the original sheet twenty-two including Fig. 22.

Sheet twenty-three, which includes Fig. 23, replaces the original sheet twenty-three including Fig. 23.

Sheet twenty-four, which includes Fig. 24, replaces the original sheet twenty-four including Fig. 24.

Sheet twenty-five, which includes Fig. 25, replaces the original sheet twenty-five including Fig. 25.

Sheet twenty-six, which includes Fig. 26, replaces the original sheet twenty-six including Fig. 26.

Sheet twenty-seven, which includes Fig. 27, replaces the original sheet twenty-seven including Fig. 27.

Sheet twenty-eight, which includes Fig. 28, replaces the original sheet twenty-eight including Fig. 28.

Sheet twenty-nine, which includes Fig. 29, replaces the original sheet twenty-nine including Fig. 29.

Sheet thirty, which includes Fig. 30, replaces the original sheet thirty including Fig. 30.

Sheet thirty-one, which includes Fig. 31, replaces the original sheet thirty-one including Fig. 31.

Sheet thirty-two, which includes Fig. 32, replaces the original sheet thirty-two including Fig. 32.

Sheet thirty-three, which includes Fig. 33, replaces the original sheet thirty-three including Fig. 33.

Sheet thirty-four, which includes Fig. 34, replaces the original sheet thirty-four including Fig. 34.

Sheet thirty-five, which includes Fig. 35, replaces the original sheet thirty-five including Fig. 35.

Sheet thirty-six, which includes Fig. 36, replaces the original sheet thirty-six including Fig. 36.

Sheet thirty-seven, which includes Fig. 37, replaces the original sheet thirty-seven including Fig. 37.

Sheet thirty-eight, which includes Fig. 38, replaces the original sheet thirty-eight including Fig. 38.

Sheet thirty-nine, which includes Fig. 39, replaces the original sheet thirty-nine including Fig. 39.

Sheet forty, which includes Fig. 40, replaces the original sheet forty including Fig. 40.

Sheet forty-one, which includes Fig. 41, replaces the original sheet forty-one including Fig. 41.

Sheet forty-two, which includes Fig. 42, replaces the original sheet forty-two including Fig. 42.

Sheet forty-three, which includes Fig. 43, replaces the original sheet forty-three including Fig. 43.

Sheet forty-four, which includes Fig. 44, replaces the original sheet forty-four including Fig. 44.

Sheet forty-five, which includes Fig. 45, replaces the original sheet forty-five including Fig. 45.

Sheet forty-six, which includes Fig. 46, replaces the original sheet forty-six including Fig. 46.

Sheet forty-seven, which includes Fig. 47, replaces the original sheet forty-seven including Fig. 47.

Sheet forty-eight, which includes Fig. 48, replaces the original sheet forty-eight including Fig. 48.

Sheet forty-nine, which includes Fig. 49, replaces the original sheet forty-nine including Fig. 49.

Sheet fifty, which includes Fig. 50, replaces the original sheet fifty including Fig. 50.

Sheet fifty-one, which includes Fig. 51, replaces the original sheet fifty-one including Fig. 51.

Sheet fifty-two, which includes Fig. 52, replaces the original sheet fifty-two including Fig. 52.

Sheet fifty-three, which includes Fig. 53, replaces the original sheet fifty-three including Fig. 53.

Sheet fifty-four, which includes Fig. 54, replaces the original sheet fifty-four including Fig. 54.

Sheet fifty-five, which includes Fig. 55, replaces the original sheet fifty-five including Fig. 55.

Sheet fifty-six, which includes Figs. 56A and 56B, replaces the original sheet fifty-six including Figs. 56A and 56B.

Sheet fifty-seven, which includes Figs. 57A and 57B, replaces the original sheet fifty-seven including Figs. 57A and 57B.

Attachment: 57 Replacement Sheets

REMARKS

Claims 1 to 86 were pending in the application at the time of examination. Claims 1 to 4, 10 to 13, 19 to 22, 28, and 30 to 32 stand rejected for obviousness type double patenting. Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 10, 19 and 28 stand rejected as anticipated. Claims 2 to 9, 11 to 18, 20 to 27 and 29 to 86 stand rejected as obvious.

Applicant has amended the description to properly reflect the status of the U.S. Patent Applications cited therein.

A review of the specification showed that paragraph [0068] used reference numeral 1505 for both the Secure User Device and the Content Provisioner. To correct this error, the specification is amended to use reference numeral "1510" for the Secure User Device so that each different element has a unique reference numeral. Accordingly, Fig. 15 was corrected to use reference numeral 1510 for the Secure User Device. The amendment to Fig. 15 obtains correspondence between the figure and the specification. The amendment to the specification assigns a unique reference numeral to each element and thereby removes any possible ambiguity.

The review showed that Fig. 16 includes two different elements with the same reference numerals "1605." A review of the specification showed that paragraph [0072] used reference numeral 1605 for both the Secure User Device and the Content Provisioner. To correct this error, the specification is amended to use reference numeral "1610" for the Secure User Device so that each different element has a unique reference numeral. Accordingly, Fig. 16 was corrected to use reference numeral 1610 for the Secure User Device. The amendment to Fig. 16 obtains correspondence between the figure and the specification. The amendment to the specification assigns a unique reference numeral to each element and thereby removes any possible ambiguity.

The review of Fig. 51 also noted that in Fig. 51, elements 5120 and 5130 both included a typographical error "Token Token." Accordingly, one instance of "Token" was deleted from elements 5120 and 5130. This amendment obtains correspondence between the description and the drawings.

Claims 1 to 4, 10 to 13, 19 to 22, 28, and 30 to 32 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 3 and 5 of U.S. Patent Application Publication Number 2004/0064719 of U.S. Patent Application Serial No. 10/243,355, hereinafter referred to as the '719 publication.

Applicant respectfully traverses the obviousness-type doubling patenting rejection of each of Claims 1, 10, 19, and 28. Claims 1, 3 and 5 of the '719 publication fails to suggest or disclose the interactions between a content repository, a user device and a target device as recited in each of Claims 1, 10, 19, and 28.

Further, Claims 1, 3 and 5 of the '719 publication fails to suggest or disclose "one or more delivery parameters identifying a target device to receive said digital content." The currently pending claim 1, in the application on which the '719 publication is based, recites in part:

receiving an authenticated digital content request in response to said digital content request, wherein said authenticated digital content request comprises a tokenized URL wherein said tokenized URL further comprises a token comprising a cryptogram based at least in part on an identifier that describes the location of said digital content

A cryptogram based at least in part on an identifier that describes the location of the digital content fails to suggest or disclose anything concerning identifying a target device to receive digital content. Thus, the obviousness-type double patenting rejection is not well founded for at least two reasons. Applicant respectfully requests reconsideration and withdrawal of the obviousness-type

double patenting rejection of each of Claims 1, 10, 19, and 28.

Claims 2 to 4, 11 to 13, 20 to 22 and 30 to 32 distinguish over Claims 1, 3 and 5 of the '719 publication at least for the same reasons as the Claim from which each depends. Applicant respectfully requests reconsideration and withdrawal of the obviousness-type doubling patenting rejection of each of Claims 2 to 4, 11 to 13, 20 to 22 and 30 to 32.

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended Claim 5 to make clear what is being synchronized and to provide a proper antecedent basis for the "content repository." Applicant respectfully requests reconsideration and withdrawal of the § 112, second paragraph rejection of claim 5.

Applicant notes that each of Claims 14, 23 and 29 have a similar antecedent basis informality and so have been amended to clarify the antecedent basis.

Claim 30 is amended to provide a clear antecedent basis for "said provisioner" and thereby remove any possible informality.

Claims 1, 10, 19, and 28 are amended to make explicit that which was implicit when the claims were read in view of the specification. The amendments are supported, for example, at least by Figs. 52 to 55, and the description thereof.

Similarly, Claims 33, 50, 67, and 84 are amended to make explicit that which was implicit when the claims were read in view of the specification. The amendments are supported, for example, at least by Figs. 52 to 55, and the description thereof.

Claims 36, 53, 70 are amended to remove an antecedent basis informality.

Claim 59 is amended to depend from the proper independent claim and thereby remove any antecedent basis informality.

Claims 1, 10, 19, and 28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0208681, hereinafter referred to as Muntz. The rejection stated in part:

(the block list and the token determine access parameters and credentials of the user and the client device.)

Applicant respectfully traverses the anticipation rejection of each of Claims 1, 10, 19, and 28. Applicant notes that for an anticipation rejection it is not sufficient that the reference teach some general method of authentication as in Muntz, but rather

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. (Emphasis Added.)

MPEP § 2131, 8th Ed., Rev. 5, p. 2100-67 (August 2006)

Claim 1 recites:

determining, by said content provisioner, one or more delivery parameters, said one or more delivery parameters identifying a target device to receive said digital content

Thus, Muntz must teach a content provisioner determining delivery parameters that identify a target device. Muntz fails to do this.

Muntz taught:

Block lists describe actual physical sectors on a memory resource, allowing a storage server to handle the actual data transfer to and from a file system resource

Muntz, Paragraph [0002].

Thus, a block list fails to identify a target device to receive said digital content. Physical sectors on a memory resource used by a storage server teach away from a target device that receives the requested digital content.

With respect to a token,

the validation mechanism may include a token including credentials for the requested access.

Muntz, Paragraph [0019].

Token generator 334 may generate a token 336 containing credentials, such as operation type(s) authorized for the client (or privilege) for the current requested operation, associated block lists, and the like. Precise content of token 336 may be customized. In one embodiment, token 336 may include privilege, validity period, authority signature and beneficiary. Token 336 may also include a time stamp to indicate the validity period. Token 336 may be re-stamped at every lease period by metadata server 214. In one embodiment, a network time protocol ("NTP") may be used to synchronize the different clients

Muntz, Paragraph [0023].

Credentials, privilege, validity period, authority signature, beneficiary and time stamp fail to teach exactly the delivery parameters as recited in these Claims. Finally, the rejection has failed to cite any teaching of a user device, a target device and a content provisioner interrelated as recited in these claims. Thus, each of Claims 1, 10, 19, and 28 distinguish over Muntz for multiple reasons. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 1, 10, 19, and 28.

Claims 2 to 9, 11 to 18, 20 to 27, and 29 to 86 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muntz and official notice for each of the claims.

Applicant respectfully traverses the use of Official Notice for each of these claims. In particular, it is not

enough that some element was known in a general sense. It must be shown that when the combination of independent and dependent claims are considered in their entirety, as required for an obviousness rejection, the prior art suggests the desirability of the combination as well as at least a reasonable expectation that Muntz would still work for its intended purpose after the modification. The MPEP makes clear that knowledge of general capabilities is not sufficient, e.g., **"FACT THAT THE CLAIMED INVENTION IS WITHIN THE CAPABILITIES OF ONE OF ORDINARY SKILL IN THE ART IS NOT SUFFICIENT BY ITSELF TO ESTABLISH PRIMA FACIE OBVIOUSNESS."**

(Emphasis in Original.) MPEP § 2143.01, 8th Ed., Rev. 5, p. 2100-129 (August 2006). "

For example, it has not been demonstrated how a block list as defined by Muntz would be included in a URL. Similarly, the fact that a tokenized URL may be known fails to teach or suggest anything with respect to:

- determining a token pool associated with said digital content;
- determining a token in said token pool; and
- creating a tokenized URL based at least in part on said token

as recited in Claim 2. A same or equivalent limitation is found in each of Claims 11, 20 and 30. General knowledge concerning a tokenized URL fails to teach anything about how the token is determined in the two operations recited in Claims 1, 10, 19, and 28. Thus, each of these claims was reduced to a gist, a tokenized URL, and then official knowledge was used without consideration of the background of either Muntz or Applicant's Claims. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 2, 11, 20 and 30.

Claims 3 and 4 depend from Claim 2. Claims 12 and 13 depend from Claims 11. Claims 21 and 22 depend from Claim 20. Claims 31 and 32 depend from Claim 30. Thus, each of Claims 3, 4, 12, 13, 21, 22, 31, and 32 distinguishes over the combination of references for at least the same reasons

as the claims from which it depends. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 3, 4, 12, 13, 21, 22, 31 and 32.

Claim 5 depends from Claim 1; Claim 14 from Claim 10; Claim 23 from Claim 19; and Claim 29 from Claim 28. Thus, each of Claims 5, 14, 23 and 29 distinguishes over the combination of references for at least the same reasons as the independent claim from which each depends. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 5, 14, 23 and 29

Claim 6 to 9 further define the delivery parameters of Claim 1; Claims 15 to 18, the delivery parameters of Claim 10; and Claims 24 to 27, the delivery parameters of Claim 19. The rejection stated "Examiner takes official notice that use of token to specify and communicate the parameters associated with content delivery encryption protocol . . . was well known at the time of the invention."

This official notice goes against the express teachings of Muntz, "Servers 214, 216 may negotiate the session key and the security parameters associated with it (e.g., algorithms, life time, etc.)." Muntz, paragraph [0028]. Negotiation of the keys teaches away from the conclusions in the official notice and demonstrates yet again that the rejection is not well founded, because Muntz taught that the official notice was not needed and not applicable. In addition, as noted above with respect to Claims 1, 10 and 19, and incorporated herein by reference, Muntz fails to teach anything concerning delivery parameters for a target device. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 6 to 9, 15 to 18 and 24 to 27.

With respect to Claim 33, 50, 67 and 84, the rejection stated in part "creation of a session key to encrypt the digital content for secure delivery to a target device was well-known and commonly used at the time of the invention." Again, the teachings of Muntz have been ignored, and the

express claim limitations have been reduced to encryption of data for secure delivery.

First, Muntz taught only that the authorization information was encrypted and the data was simply delivered.

Muntz taught away from any need for encryption for delivery of the data. Second, Claim 33 recites in part:

determining, by said content repository, a session key if said authenticated digital content request is valid, said determining comprising:

determining a target key based at least in part on a target ID, said target ID identifying a target device; and

applying a cryptographic process to a first key based at least in part on at least part of said authenticated digital content request together with said target key to create said session key;

Thus, Claim 33 recites a specific process that is used to create the session key that utilizes a target key and a first key to create the session key. Consequently, even if the use of a session key were well known, such knowledge fails to teach or suggest the specific process recited in each of Claim 33, 50, 67 and 84 in combination with the other operations recited therein. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 33, 50, 67 and 84.

The rejection of Claim 34 stated "creation of the session key based on another master key and parameters identified in a token were well known at the time of the invention." No motivation for any combination is given. Thus, a prima facie obviousness rejection has not been made.

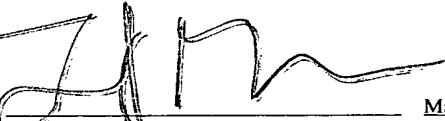
With respect to Claim 41, no citation or suggestion of "incrementing a token redemption count" has been cited. With respect to Claim 42, no citation or suggestion of "updating the offset entry" has been cited. Similarly, each of Claims 43 to 45 includes limitations that have not been cited. The comments with respect to Claims 6 to 9 are also

applicable to Claims 46 to 49 and are incorporated herein by reference. Thus, the dependent claims distinguish over the combination in addition to reasons given for the independent claims. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 34 to 49, 51 to 66, 68 to 83, 85 and 86.

Claims 1 to 86 remain in the application. Claims 1, 5, 10, 14, 19, 23, 28, 29, 30, 33, 36, 50, 53, 59, 67, 70, and 84 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

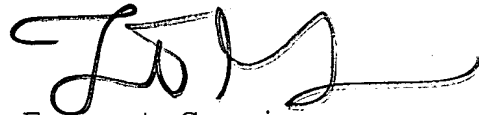
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 21, 2007.



Attorney for Applicant(s)

March 21, 2007
Date of Signature

Respectfully submitted,



Forrest Gunnison
Attorney for Applicant(s)
Reg. No. 32,899
Tel.: (831) 655-0880